

May 12, 2010

2010 MAY 13 AM 10:38

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

DIVISION OF WATER RIGHTS
SACRAMENTO

Subject: Form Supplemental Statement of Water Diversion and Use Form # S004616, 2007, 2008, 2009

By way of explanation for this form: I inherited this property from my Mother and Aunt in November 2007. All previous documents which relate to the water on the property were lost prior to my inheriting the property.

With this being the case, I am unable to accurately answer some of the questions on this form. I do not want to jeopardize or lose the water rights on the property. I have responded to Rich Satkowski of the Licensing Agency.

Please contact me if you do not understand my answers or need more information. I will cooperate to the best of my knowledge and memory as to any water rights on the property.

Thank you,



Gayle R. Toon
Water Right License # 010778

State of California, State Water Resources Control Board

Division of Water Rights
 P.O. Box 2000, Sacramento, CA 95812-2000
 Info: (916) 341-5300, Web: http://www.waterboards.ca.gov/waterrights

S004616

2007, 2008, 2009

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Owner(s) of Record:
 RUTH VIVIAN SPINK

Complete and Return This Form by **JULY 1, 2010**

Primary Contact:
 GAYLE R TOON
 15238 DAYTON CT
 SAN LEANDRO, CA 94588

Agent:
Address:

Phone No. 510-352-6228
 Fax No.
 E-mail Address:

Phone No.
 Fax No.
 E-mail Address:

Source Name: UNST
Tributary To:
County: Calaveras
Diversion within: SE 1/4 of SW 1/4 Section 3, T 6 N, R 13 E, MDB&M

Year of First Use: 1862
Name of Diversion works:
Assessor Parcel Number of the Diversion site:

2010 MAY 13 AM 10:38
 DIVISION OF WATER RIGHTS
 SACRAMENTO, CALIFORNIA

A. **Water is Used Under:** Riparian claim Pre-1914 claim Court Decree No.: ? Other (explain): _____

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (eWRIMS) UNKNOWN)

C. **Rate of Diversion (required by Water Code section 5104):** The rate of diversion of water for each month used and entered in the table below is shown in units of:
 Gallons per minute (GPM) _____ Gallons per day (GPD) _____ Cubic feet per second (CFS) _____

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2007													
2008													
2009													

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:
 Gallons _____ Million Gallons (MG) _____ Acre-feet (AF)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2007								1					1
2008													2
2009													2

E. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.
 Irrigation _____ acres; Stockwatering _____; Domestic _____;
 Other (specify) UNKNOWN
 Parcel Number(s) of Place of Use: _____

F. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.
 (New pump, enlarged diversion dam, location of diversion, etc.)
NONE

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES _____ NO
 Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ___ NO X.
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ___ NO ___.

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ___ NO X.
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)
 I have data to support the above surface water use reductions due to the use of groundwater. YES ___ NO ___.

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE: Apr. 14, 2010 at San Leandro, California

SIGNATURE: Gayle R. Toon

PRINTED NAME: GAYLE R. TOON
 (first name) (middle initial) (last name)

COMPANY NAME: _____

ITEM _____ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.
 CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA
 There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water diverters as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. Informational documents regarding (1) Statements of Water Diversion and Use, and (2) Information Pertaining to Water Rights in California are available at http://www.waterboards.ca.gov/waterrights/publications_forms/forms/index.shtml.

5, 1998

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Subjects: Report of Licensee for Years 1995, 1996 and 1997, Application
#A020768, License 010778 and
Supplemental Statement of Water Diversion And Use, Statement
No.: S004616

Please be advised that, to the best of my knowledge, no water was used for irrigation purposes for years 1995, 1996 and 1997. Also be advised that Clifford C. Spink is deceased (June 5, 1992) and all information from your office should be directed to Ruth V. Spink (not Ruth W. Spink), in care of Gayle R. Toon, 15238 Dayton Court, San Leandro, CA 94588-1555. If you have any questions, please call Gayle R. Toon at (510) 352-6228.

Thank you,



Gayle R. Toon

file

STATE WATER RESOURCES
CONTROL BOARD
98 MAR -9 PM 3:33
DIV. OF WATER RIGHTS
SACRAMENTO

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
 Notify this office if ownership or address changes occur during the coming year.

98 MAR -9 PM 3:33
 DIV. OF WATER RIGHTS
 SACRAMENTO

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1998

OWNER OF RECORD: RUTH WOMBLE SPINK, (~~CLIFFORD C SPINK~~)
 (DECEASED)

^{VIVIAN}
 RUTH WOMBLE SPINK RUTH VIVIAN SPINK
~~PO BOX 84~~
~~WEST POINT, CA 95255~~

15238 DAYTON COURT
 SAN LEANDRO, CA 94579-1555

SOURCE: UNST
 TRIBUTARY TO: INDIAN GULCH
 COUNTY: CALAVERAS

DIVERSION
 WITHIN: SE¼ OF SW¼ SECTION 3, T6N, R13E, MB&M.

STATEMENT NO: S004616



TELEPHONE NUMBER:
 (209) 293-4497
 YEAR OF FIRST USE: 1862
 PARCEL NO:

- A. Water is used under: Riparian claim _____; Pre 1914 right _____; Other (explain): _____
 B. Year of first use (Please provide if missing above) _____
 C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons Acre-feet (other) _____

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1995	○	○	○	○	○	○	○	○	○	○	○	○	○
1996	○	○	○	○	○	○	○	○	○	○	○	○	○
1997	○	○	○	○	○	○	○	○	○	○	○	○	○

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
 Irrigation _____ acres; Stockwatering _____; Domestic _____
 Other (specify) _____
 E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

 F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3-3-98, 1998 at SAN LEANDRO, California

SIGNATURE: Ruth W. Spink (CRT) Ruth Vivian Spink

PRINTED NAME: RUTH W. SPINK (FIRST NAME) (MIDDLE INIT.) (LAST NAME)

COMPANY NAME: _____

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

WRIMS
 UPDATED
 MAR 11 1998
 KRB

① 3-18-95
 3-5-4616
 MM 12-19-95

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS
 P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S004616
 OWNER OF RECORD: RUTH WOMBLE SPINK
 RUTH WOMBLE SPINK
 BOX 84
 WEST POINT, CA 95255

1995 JUN 30 PM 1:27
 DIV. OF WATER RIGHTS
 SACRAMENTO

STATE WATER RESOURCES

SOURCE: UNST
 TRIBUTARY TO: INDIAN GULCH
 COUNTY: CALAVERAS
 DIVERSION
 WITHIN: SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ SECTION 3, T6N, R13E, MDB&M.

TELEPHONE NUMBER:
 (209) 293-4497
 YEAR OF FIRST USE: 1862
 PARCEL NO: 08-035-08

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995

A. Water is used under: Riparian claim _____; Pre 1914 right _____; Other (explain) _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons Acre-feet (other) _____

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992						X	X	X	X	X	X		3 ACRE-ft
1993						X	X	X	X	X	X		3 ACRE-ft
1994						X	X	X	X	X	X		3 ACRE-ft

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
 Irrigation 12 acres; Stockwatering 1/2 Acres; Domestic _____
 Other (specify) _____

*** CONTINUE ON BACK PAGE ***

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

NONE

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

NONE

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 6/28/95, 1995, at West Point, California

SIGNATURE: Ruth Womble Spink

PRINTED NAME: RUTH WOMBLE SPINK
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: _____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

**STATEMENT OF WATER DIVERSION AND USE
INFORMATION SHEET**

STATEMENT NO. 004616

DIVERSION SITE:

OWNER'S NAME Ruth Womble Spink

(FIRST)

(MIDDLE)

(LAST)

PARCEL NO. 08-035-08

PLACE OF USE:

OWNER'S NAME Ruth Womble Spink

(FIRST)

(MIDDLE)

(LAST)

1. PARCEL NO. _____

2. PARCEL NO. _____

3. PARCEL NO. _____

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL STATEMENTS:

OWNER/LESSEE/AGENT/OTHER

NAME Ruth Womble Spink

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS PO Box 84
West Point CA 95255

(CITY)

(STATE)

(ZIP)

TELEPHONE NO. (209) 293 - 4497

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME None

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS _____

(CITY)

(STATE)

(ZIP)

TELEPHONE NO. (____) _____ - _____

2. NAME _____

(FIRST)

(MIDDLE)

(LAST)

MAILING ADDRESS _____

(CITY)

(STATE)

(ZIP)

TELEPHONE NO. (____) _____ - _____

ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL INFORMATION BOX.

267A

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

S1616

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water CLIFFORD C. AND RUTH WOMBLE SPANK
Address Box 84, West Point, California 95265

B. Name of body of water at point of diversion IS AN UNNAMED STREAM
Tributary to INDIAN GULCH THROUGH MIDDLE FORK MCKELMINA RIVER

C. Place of diversion SE 1/4 SW 1/4 Section 3, Township 6N, Range 13E, NMD B&M, CALAVERAS County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works Spunk Ranch

E. Capacity of diversion works 2 cubic feet per second
Capacity of storage reservoir UNKN gallons per minute
State quantity of water used each month in gallons or acre-feet 2 gallons
2 acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual

If month's and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc. 2 acres

Maximum annual water use in recent years 4 gallons
4 acre-feet

Minimum annual water use in recent years 4 gallons
4 acre-feet

Type of diversion facility: gravity , pump

Method of measurement: weir , flume , electric power meter , water meter , estimate

F. Purpose of use (what water is being used for) IRRIGATION

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)

SE 1/4 SW 1/4 SECTION 3, T6N, R13E, NMD

H. Year of first use as nearly as known 1862

I. Name of person filing statement Clifford C. Spank

Position Farmer Organization

Address Box 84 West Point Calif

I certify that the foregoing statements are true and correct to the best of my knowledge and belief

Date signed Sept 21 - 1968 Signature Clifford C. Spank application 20768

See Instructions on Reverse Side

Stream Code E-1160-00-00-8